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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,535	11/05/2003	Scott Bennett	02006.00021	8146

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10/15/2004

Steven Thrasher
301 Sandhill Dr.
Richardson, TX 75080

EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,535

Applicant(s)

BENNETT, SCOTT

Examiner

Robert M. Fetsuga

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 3751

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "insect" set forth in claim 4, "animal" set forth in claim 5, "bathing station" set forth in claim 8, "bathing support" set forth in claim 9, subject matter set forth in claims 12, 13 and 19, and "battery powered system" set forth in claim 16, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

Art Unit: 3751

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The use of the trademark VELCRO has been noted in this application (pg. 11 ln. 11). It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

3. Claims 12, 13, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 12 recites "the housing is enabled to collapse via at least one hinge". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Claim 19 recites similar subject matter.

Claim 13 recites "two components enabled to removably attach when in use and removably detach when stored".

Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner.

Art Unit: 3751

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is unclear as to whether the "entertainment accessory" is intended to be part of the claimed combination since structure of the "support system" is defined as being connected thereto (ln. 2), but no positive structural antecedent basis therefor has been defined.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 2, 5, 7-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fotre et al.

Art Unit: 3751

The Fotre et al. (Fotre) reference discloses a support system comprising: bathing means 32; a basin (Fig. 3); a housing 12,14 representing an object (col. 3 lns. 47-48), as claimed. Re claim 1, the housing is capable of being used with fastening means in the functionally recited manner. Re claims 8-10, the bathing means is considered to meet the broad terms "bathing station", "bathing support" and "bathing chair". Re claim 11, the housing is capable of being used with an entertainment accessory in the functionally recited manner. Re claim 12, the housing is capable of being used with a hinge in the functionally recited manner. Re claim 13, the housing is capable of being used as two components in the functionally recited manner.

7. Claims 3, 4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fotre and Purrier et al.

Re claim 3, although the object of the Fotre support system does not include an automobile, as claimed, attention is directed to the Purrier et al. (Purrier) reference which discloses an analogous support system which further includes an object in the form of an automobile (having a mirror). Therefore, in consideration of Purrier, it would have been obvious to one of ordinary skill in the art to associate an automobile with the Fotre in order to substitute one well known

Art Unit: 3751

object for another where either object would function equally well to entertain an infant. Re claim 4, the choice of an insect would appear to be another obvious choice to be made when implementing the Fotre object.


Re claim 17, the Fotre support system is molded (col. 2 ln. 10). It would have been obvious to mold the mirror therewith in order to reduce the number of separate pieces.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fotre and Blough.

Re claim 6, the Fotre support system is made of plastic (col. 2 ln. 10). The choice of particular plastic would appear an obvious choice to be made. The Blough reference teaches ABS plastic is both suitable and desirable (col. 3 lns. 34-39) for use as a bath support system.

9. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

10. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 703/308-1506 who can be most easily reached Monday through Thursday.



Robert M. Fetsuga
Primary Examiner
Art Unit 3751